

STATE OF ILLINOIS
ILLINOIS COMMERCE COMMISSION

Norfolk Southern Railway Company; the City of Mount Olive; Staunton Township; and the State of Illinois, Department of Transportation.

Stipulated Agreement regarding improving public safety at the crossings of the Company's tracks with public highways known as Third North Street, Main Street (CH 16), Second South Street, Third South Street, Poplar Street, and Eighth South Street, all in the City of Mount Olive, and TR 457 in Staunton Township, all located in Macoupin County, Illinois, designated as crossings AAR/DOT 480 074P, milepost 444.51-WA, AAR/DOT 480 075W, milepost 444.74-WA, AAR/DOT 480 076D, milepost 444.85-WA, AAR/DOT 480 077K, milepost 444.93-WA, AAR/DOT 480 078S, milepost 445.09-WA, AAR/DOT 480 079Y, milepost 445.28-WA, and AAR/DOT 480 084V, milepost 447.13-WA, respectively.

T03-0041

SECOND SUPPLEMENTAL ORDER

By the Commission:

On June 4, 2003 the Illinois Commerce Commission entered its original Order in the above captioned matter. The City of Mount Olive ("City") and the Norfolk Southern Railway Company ("Company") were required to make safety improvements at the Third North Street, Main Street (CH 16), Second South Street, Third South Street, Poplar Street, and Eighth South Street highway-rail grade crossings of the Company's tracks, and Staunton Township ("Township") and the Company were required to make safety improvements at the TR 457 highway-rail grade crossing of the Company's track located near Mount Olive, Macoupin County, on or before December 4, 2004.

On September 22, 2004, the City of Mount Olive filed a Supplemental Petition requesting an extension of time, to and including December 4, 2005, to complete the work required by it. On October 20, 2004, the Commission entered its First Supplemental Order granting the requested extension of time. It was not necessary to grant the Norfolk Southern Railway Company an extension of time in that First Supplemental Order, since its work on the crossings in Mount Olive had been completed.

On November 16, 2004, the Norfolk Southern Railway Company filed a Supplemental Petition requesting an extension of time, to and including June 4, 2005, to complete the work required by it at the TR 457 grade crossing in Staunton Township. The Company cannot install new automatic warning devices until the Township completes

roadway improvements. The Township is reconstructing the existing highway approaches, realigning the roadway through the crossing, and moving the crossing approximately eight feet to the north. The Company cannot install the signal devices until the roadway and highway approaches are reconstructed to the new alignment. The Township (through the Macoupin County Engineer's contractor) and Company are presently coordinating and carrying out siding track elevation adjustments, installing new crossing surfaces, and the required roadway improvements, but completion of these work items likely won't occur before the required completion deadline of December 4, 2004. The Company states that installation of the new automatic flashing light signals and gates can be completed within four-six months after all the required roadway improvements have been completed. Therefore, the Company seeks a six-month extension, to and including June 4, 2005.

Upon further deliberation by staff of the Commission's Rail Safety Section, it seems reasonable that the Township should also be granted a six-month extension, to and including until June 4, 2005, to complete the work required of it. While the Township is working to complete the work required of it, recent continual wet weather experienced in this area makes it improbable that the roadway improvements will be finished by December 4, 2004. The Company stated in its petition that they would not object if the Township were granted the same time extension.

The Commission, having given due consideration to the Supplemental Petition, finds that:

- (1) The Commission has jurisdiction over the parties and the subject matter of this proceeding;
- (2) The recitals of fact, as set forth in the prefatory portion of this Supplemental Order, are supported by investigation by Commission Staff and are hereby adopted as findings of fact;
- (3) The Company's request for an extension of time, to and including June 4, 2005, is fair and reasonable and should be granted;
- (4) Commission staff recommends that Staunton Township also be granted an extension of time, to and including June 4, 2005, to complete the work required;
- (5) All other terms and conditions of the original Order dated June 4, 2003, and the First Supplemental Order dated October 20, 2004, are hereby affirmed and shall remain in full force and effect except as herein modified.

IT IS THEREFORE ORDERED by the Illinois Commerce Commission that an extension of time, to and including June 4, 2005 be, and is hereby granted to the Norfolk Southern Railway Company and to Staunton Township to complete the work as set forth in the original Order dated June 4, 2003, on the TR 457 highway-rail grade crossing of the Company's track located in Staunton Township, near Mount Olive, Macoupin

County, designated as crossing AAR/DOT 480 084V, milepost 447.13-WA.

IT IS FURTHER ORDERED that all other terms and conditions of the original Order, dated June 4, 2003, and the First Supplemental Order dated October 20, 2004, are hereby affirmed and shall remain in full force and effect except as herein modified.

IT IS FURTHER ORDERED that, subject to Section 18c-2201 and 18c-2206 of the Law, this is a final decision of the Commission subject to the Administrative Review Law.

By Order of the Commission this 15th day of December, 2004.

Edward C. Husley
Chairman

JUDGE	<i>[Signature]</i>
SECTION CHIEF	<i>MES</i>
ORDERS SUPERVISOR	<i>[Signature]</i>